

REMARKS/ARGUMENTS

In view of the foregoing amendments and the following remarks, the applicants respectfully submit that the pending claims comply with 35 U.S.C. § 112 and are not rendered obvious under 35 U.S.C. § 103. Accordingly, it is believed that this application is in condition for allowance. If, however, the Examiner believes that there are any unresolved issues, or believes that some or all of the claims are not in condition for allowance, the applicants respectfully request that the Examiner contact the undersigned to schedule a telephone Examiner Interview before any further actions on the merits.

The applicants will now address each of the issues raised in the outstanding Office Action.

Information Disclosure Statement

The Examiner states that the listing of references in the Search Report submitted on September 27, 2007 is not considered to be an IDS complying with 37 C.F.R. § 1.98(a)(2) and therefore, the references cited in the Search Report have not been considered. (See Paper No. 20080424, page 2.)

The applicants note that the Search Report was not submitted in place of an IDS, but rather was included in the IDS submitted on September 27, 2007 since the Search Report itself was deemed by the applicants as being potentially "material" to patentability as broadly defined in 37 C.F.R. § 1.56. The applicants note that

all references listed in the Search Report were separately listed in the IDS submitted on September 27, 2007 and have been considered by the Examiner. (See Paper No. 20080424, page 2, form PTO-1449, and form PTO-892.)

Provisional Double-Patenting Rejection

Claims 1-3 and 15-17 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 13-15 of copending Application Serial No. 10/654,265.

Since a terminal disclaimer is filed herewith, this rejection is now moot and should be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 1-28 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, the Examiner notes that the limitation "the serving" in independent claims 1, 11, 13, 15, 25 and 27 lacks sufficient antecedent basis. Since claims 1, 11, 13, 15, 25 and 27 have been amended to ensure proper antecedent basis, and since claims 2-10, 12, 14, 16-24, 26 and 28 are rejected solely based on their dependency from one of claims 1, 11, 13, 15, 25 and 27, the applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection.

Rejections under 35 U.S.C. § 103

Claims 1-4, 11-18 and 25-28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,754,939 ("the Herz patent") in view of U.S. Patent No. 6,332,127 ("the Bandera patent"). The applicants respectfully request that the Examiner reconsider and withdraw this ground of rejection in view of the following.

Claims 1-4 and 15-18

Independent claims 1 and 15 are not rendered obvious by the Herz patent and the Bandera patent because the cited portions of the Herz and Bandera patents do not teach or suggest "determining the relevancy of the ad using at least the comparison result" (e.g., for a given request from a given user) "wherein the geolocation targeting information associated with the ad is defined by at least one geographic reference point." Furthermore, independent claims 1 and 15 are not rendered obvious by the Herz and Bandera patents since one skilled in the art would not have combined the Herz and Bandera patents as proposed by the Examiner since there is no obvious reason to do so. Each of these issues is addressed below.

First, in rejecting claim 1, the Examiner cites column 10, lines 61-67 and column 11, lines 1-67 of the Herz patent as teaching "determining the relevancy of the ad using at least the comparison, wherein the geolocation targeting information associated with the ad is defined by at least one geographic reference point." (Paper No. 20080424, page 6.) The applicants respectfully disagree.

The Herz patent "enables a user to access target objects of relevance and interest to the user." (Column 55, lines 39 and 40 of the Herz patent) Specifically, the Herz patent uses information in a "target profile" for the target object and information in a "target profile interest summaries" for the user for this purpose. (See, e.g., the Abstract in the Herz patent.) The target profile is "a digitally represented profile indicating that target object's attributes." (Column 4, lines 51-53 of the Herz patent) The target profile interest summary "describes the user's interest level in various types of target objects." (The Abstract of the Herz patent.)

Column 10, lines 61-67 of the Herz patent pertains to numeric, textual and associative types of attributes. Although column 11, lines 1-67 of the Herz patent discusses an example where an **advertiser** is a **user**, and the **target objects** are **potential customers**, in which the target objects might store geolocation information, such as a zip code for example, this example concerns determining potential users (customers) for a given advertiser, not determining a potential advertisement for a given request (e.g., from a given user) and controlling the serving of the advertisement accordingly. That is, a request to **find users that an advertiser wishes to target** neither teaches, nor suggests **finding ads relevant to a request using at least a comparison of the accepted geolocation information associated with the request with geolocation targeting information associated with the ad.**

Second, the purported teachings of the Bandera patent do not compensate for deficiencies of the Herz patent. The Examiner acknowledges deficiencies of the

Herz patent with respect to claim 1, but relies on the Bandera patent in an attempt to compensate for such admitted deficiencies. Specifically, the Examiner states:

Although Herz teaches the invention as cited above, they do not explicitly teach that the customized electronic objects is geographical information. However, Bandera et al. teaches GPS information may be integrated into the web browser for advertisement retrieval systems [see: column 6 lines 40-55].

(Paper No. 20080424, page 7.) However, although the Bandera patent describes that ads may be selected "based upon the user's location" (See Figure 3 and column 6, lines 40-55 of the Bandera patent.), the Bandera patent neither teaches, nor suggests **how** ads are targeted to a location by the advertiser as described in embodiments consistent with the claimed invention. That is, claim 1 recites **how** ads are targeted using geolocation information by comparing the accepted geolocation information associated with the request with geolocation targeting information associated with the ad to generate a comparison result, determining the relevancy of the ad using at least the comparison result, and controlling the serving of the ad, for rendering on a client device, using the determined relevancy of the ad, wherein the geolocation targeting information associated with the ad is defined by at least one geographic reference point. Such details are neither taught, nor suggested, by the Bandera patent.

Third, one skilled in the art would not have combined the Herz and Bandera patents, as proposed by the Examiner, since there is no obvious reason to do so. The portion of the Herz patent cited by the Examiner concerns determining target objects (e.g., consumers) the user (e.g., advertiser) may be interested in. That is, the cited portion of the Herz patent finds users for an advertiser to target. Meanwhile, the Bandera patent describes the use of current and transient geolocation information (which is associated with the hardware being used to access the mobile network) to determine location of a user. More specifically, the Bandera patent describes a mobile web clients which

...obtains user location information, for example from a Global Positioning System (GPS), and transmits the user request for the Web page to the Web server with the obtained user location information. ***The Web server selects an advertising object based upon the user's location and/or the time of day the Web page request is received.*** The Web server generates the requested Web page with the selected advertising object included therein and serves the generated Web page to the mobile Web client. [Emphasis added.]

(Column 2, lines 42-52 of the Bandera patent.) One skilled in the art would not have modified ***finding users for an advertiser*** as described in the Herz patent to include the current and transient geolocation information of the Bandera patent used to ***find ads for a user***.

Furthermore, in combining the Herz and the Bandera patents, the Examiner states:

Although Herz teaches the invention as cited above, they do not explicitly teach that the customized electronic objects is geographical information. However, Bandera et al. teaches GPS information may be integrated into the web browser for advertisement retrieval systems [see: column 6 lines 40-55]. It would have been obvious to one of ordinary skill at the time of the invention to have combined Bandera with Herz **since Herz teaches that the data may be tailored to specific applications.** [Emphasis added.]

(Paper No. 20080424, page 7.) However, the Examiner fails to show the precise combination the Examiner is proposing in terms of actual elements described in the references which are to be combined, modified or replaced, and also fails to demonstrate how such a proposed combination would improve the Herz patent. In addition, the general statement "since Herz teaches that the data may be tailored to specific applications" provides no teaching, motivation, suggestion or obvious reason to combine these references. If the Examiner seeks to maintain any of the outstanding prior art rejections, the applicants respectfully request that the Examiner clarify the rejection by clearly indicating which elements of the Herz patent the Examiner would replace or modify with elements of the Bandera patent and indicate what the advantage would result. The applicants respectfully submit that such information is needed if the applicants are to be given a full and fair opportunity to address the merits of any rejection based on the Examiner's proposed combination of references.

In view of the foregoing, independent claims 1 and 15 are not rendered obvious by the Herz and Bandera patents. Since claims 2-4 and 16-18 depend from claims 1 and 15, respectively, these claims are similarly not rendered obvious by the Herz and Bandera patents.

Further with respect to dependent claims 4 and 18, the Herz and Bandera patents neither teach, nor suggest, geolocation targeting information corresponding to a circular area having a radius about a specified geographic reference point as recited in the claimed invention. The Examiner cites paragraph column 10, lines 61-67 and column 11, lines 1-67 of the Herz patent as teaching this feature. The applicants respectfully disagree.

As discussed above, column 11, lines 1-67 of the Herz patent discusses an example in which the target objects might store geolocation information such as a zip code. However, a zip code does not correspond to a circular area having a radius about a specified geographic reference point. Furthermore, as discussed above, the claimed geolocation targeting information is associated with an ad, while the geolocation information of the target objects in the cited paragraph in the Herz system are associated with potential customers. The purported teachings of the Bandera patent do not compensate for the aforementioned deficiencies of the Herz patent. Thus, dependent claims 4 and 18 are not rendered obvious by the Herz and Bandera patents for at least these additional reasons.

Claims 11-14 and 25-28

Independent claims 11, 13, 25 and 27 are not rendered obvious by the Herz and Bandera patents because the purported teachings of the cited references neither teach, nor suggest determining the score of an advertisement for a given request (e.g., from a given user) using geolocation information. The Examiner cites column 10, lines 61-67, column 11, lines 1-67, column 21, lines 44-57, and column 17, line 50 through column 18, line 18 of the Herz patent as teaching this feature. (See Paper No. 20080424, pages 8 and 9.) The applicants respectfully disagree.

As discussed above, column 10, lines 61-67 of the Herz patent pertains to numeric, textual and associative types of attributes. Although column 11, lines 1-67 of the Herz patent discusses an example in which the "user" is an **advertiser**, and the "target objects" are **potential customers**, in which the target objects might store geolocation information, such as a zip code for example, this example concerns **determining potential users (customers) for a given advertiser, not determining a potential advertisement for a given request (e.g., from a given user)** and controlling the serving of the advertisement accordingly. That is, a request to find **users** that an advertiser wishes to target neither teaches, nor suggests, **finding ads** relevant to a request using at least a comparison of the accepted geolocation information associated with the request with geolocation targeting information associated with the ad.

Furthermore, the weight set by the user or administrator in column 21, lines 44-57 of the Herz patent is **not** determined using geolocation information.

The weight set in the Herz patent is assigned to an attribute by a user or administrator indicating the importance the user places on the specific attribute. Thus, the weight set in the Herz patent is not a score of an ad **determined using a comparison of geolocation information associated with a request with geolocation targeting information associated with an ad.**

Finally, the points and scores discussed in column 17, line 50 through column 18, line 18 of the Herz patent are not determined using geolocation information. Rather, the points and scores discussed in this section of the Herz patent pertain to feedback scores assigned to the target object based on particular actions by the user (e.g., time spent viewing a page, number of pages viewed, etc.). A feedback score based on user actions as described in the Herz patent is not a score of an ad **determined using a comparison of geolocation information associated with a request with geolocation targeting information associated with an ad.** The purported teachings of the Bandera patent do not compensate for the aforementioned deficiencies of the Herz patent.

In view of the foregoing, independent claims 11, 13, 25 and 27 are not rendered obvious by the Herz and Bandera patents. Since claims 12, 14, 26 and 28 depend from claims 11, 13, 25 and 27, respectively, these claims are similarly not rendered obvious by the Herz and Bandera patents.

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Entry of Amendments

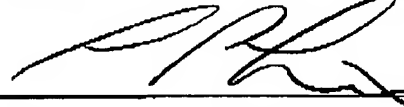
Since the amendments to claims 1, 11, 13, 15, 25 and 27 are directed to ensuring proper antecedent basis in order to overcome the rejections under 35 U.S.C. § 112, second paragraph, they raise no new issues and place the claims in better form for appeal. Accordingly, these amendments should be entered.

Conclusion

In view of the foregoing amendments and remarks, the applicants respectfully submit that the pending claims are in condition for allowance. Accordingly, the applicants request that the Examiner pass this application to issue.

Any arguments made in this amendment pertain *only* to the specific aspects of the invention *claimed*. Any claim amendments or cancellations, and any arguments, are made *without prejudice to, or disclaimer of*, the applicants' right to seek patent protection of any unclaimed (e.g., narrower, broader, different) subject matter, such as by way of a continuation or divisional patent application for example.

Respectfully submitted,



September 18, 2008


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